

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 30, 2005**

DIVISION ONE

B167052      Barry Phillips                      (Not for Publication)  
                 v.  
                 Huntington Memorial Hospital

The order granting summary adjudication on the overtime claim is reversed. The portion of the judgment entered in favor of defendant on the claim under Labor Code Section 226 is reversed and, as to that claim only, the trial court shall enter judgment in plaintiff's favor. Plaintiff is entitled to costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B180987      People                                      (Not for Publication)  
                 v.  
                 Dervishian

The judgment is affirmed.

Vogel (Miriam A.),

We concur:    Mallano, J., Acting P.J.  
                 Rothschild, J.

DIVISION TWO

B181877      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Charlene G.

The orders of the juvenile court denying the section 388 petition and terminating parental rights are affirmed.

Suzukawa, J. (Assigned)

We concur:    Boren, P.J.  
                 Doi Todd, J.

B178571      Day    (Not for Publication)  
                 v.  
                 Medianews Group et al.

The matter is reversed and remanded for the trial court to determine whether appellants were the prevailing parties for purposes of attorney fees under section 425.16, and to award attorney fees if it so finds. Appellants shall receive costs of appeal.

Suzukawa, J. (Assigned)

We concur:    Boren, P.J.  
                 Ashmann-Gerst, J.

B179101      Yu    (Not for Publication)  
                 v.  
                 Asia-Pacific California Inc.

The judgment is affirmed. Parties shall bear their own costs on appeal.

Suzukawa, J. (Assigned)

We concur:    Boren, P.J.  
                 Ashmann-Gerst, J.

August 30, 2005 (Continued)

DIVISION TWO (Continued)

B174515      Arias      (Not for Publication)

v.

California Coastal Commission

City of Manhattan Beach et al.

The judgment is affirmed. Respondent (s) to recover costs.

Suzukawa, J. (Assigned)

We concur: Boren, P.J.

Ashmann-Gerst, J.

DIVISION THREE

B177820      Larry Bonnell      (Not for Publication)

v.

Gary M. McDonald

The judgment is affirmed. Each party to bear their own costs.

Kitching, J.

I concur: Klein, P.J.

I concur: Croskey, J.

B176060      Ruth Stein      (Not for Publication)

v.

Hilton Hotels

The judgment is affirmed. Costs on appeal are rewarded to defendant Hilton.

Kitching, J.

We concur: Croskey, Acting P.J.

Aldrich, J.

DIVISION THREE (Continued)

B182752      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Armando B., et al.

The appeal is dismissed.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B178879      Harvey Stone      (Not for Publication)  
v.  
Nationwide Mutual Insurance Company

The judgment is affirmed. Stone is to pay Nationwide's costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B173412      People      (Not for Publication)  
v.  
Frank Rojas

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                 Kitching, J.

August 30, 2005 (Continued)

### DIVISION THREE (Continued)

B178948      People                                  (Not for Publication)  
v.  
Eduardo Macias

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B170755      Lewis Jorge Construction Management, Inc.  
v.  
Olshan, etc.

Filed order vacating submission order of 5-11-05. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter.. Cause resubmitted.

B179327      Perez-Torres  
v.  
State of California, et al.

Filed order denying petition for rehearing.

## DIVISION FIVE

B177961      Madalyn Young      (Not for Publication)  
v.  
Ida Lynch

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

August 30, 2005 (Continued)

## DIVISION FIVE (Continued)

B175827      Brill Media      (Certified for Partial Publication)  
v.  
TCW

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

I concur: Armstrong, J.  
I dissent: Mosk, J. (Opinion)

B176701      People  
v.  
Cedric Hill

Filed order modifying opinion. (No change in the judgment)

B180053      Los Angeles County, D.C.S.  
v.  
Richard H.

Filed order denying petition for rehearing.

DIVISION SIX

B175918 People (Not for Publication)  
v.  
Platino

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B169631 Berman v. Comita et al.

B180769 DCFS v. Maqueta G.

B183208 Shamika H. v. SCLA

Argument waived, cause submitted.

B180830      Los Angeles County, D.C.S.  
                 v.  
                 Luis R.

Merits:

Argued by John Dodd for appellant and by William Thetford, Deputy County Counsel for respondent. Cause submitted.

B174727      Los Angeles County, D.C.S.  
                 v.  
                 Brian B.

Merits:

Argued by Brian B. appellant in propria persona and by Kim Nemoy, Deputy County Counsel for respondent. Submission is deferred to allow for supplemental briefing addressing *In re Claudia S.* Appellant's letter brief is to be filed by September 6, 2005 and respondent's letter brief is to be filed by September 9, 2005. Cause to be submitted upon filing of respondent's letter brief.

DIVISION SEVEN (Continued)

B175743      Los Angeles County, D.C.S.  
B179791      v.  
                Brian B.

Merits:

Argued by Merrill Toole for appellant and by Kim Nemoy, Deputy County Counsel for respondent. Submission is deferred pending the filing of supplemental briefing in related appeal B174727.

B174969      Clancey  
                v.  
                Paramount Pictures

Merits:

Argued by Joanna Rehm for appellant and by Kristin Reyna for respondent. Cause submitted.

B183391      Dawn M. and Bryce H.  
                v.  
                Superior Court, Los Angeles County  
                (DCFS, r.p.i.)

Merits:

In open court the submission of July 28, 2005 pursuant to rule 38.1(g)(2) is vacated. Argued by Kenneth Broker and John Carlson for petitioners and by Lisa Proft, Deputy County Counsel for respondent and by Maire Henderson for respondent minor. Cause submitted.

B174083      Norris et al.  
                v.  
                Union Carbide Corp.

Merits:

Argued by David Rosen for appellants and by William Sayers for respondent. Cause submitted.

Court recessed at 11:08 a.m.



August 30, 2005 (Continued)

DIVISION SEVEN (Continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B175552 DCFS v. Percy W.  
B17901 DCFS v. Eugene and Mesa W.  
B181502 DCFS v. Nannette B.

Argument waived, cause submitted.

B175171     Espinosa  
               v.  
               Infinity Insurance Co.

Merits:  
Argued by Maxine Lebowitz for appellant and by Neil Pedersen for respondent. Cause submitted.

B175372     Chavez  
               v.  
               Clark

Merits:  
Argued by Janice Mazur for appellant and by Matthew Brown for respondent. Cause submitted.

B180388     Kogan et al.  
               v.  
               Havarim

Merits:  
Argued by Alton Leib for appellants and by Joel Schiff for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B175786     Lim  
              v.  
              Prudential Insurance  
              Hsaio

Merits:  
Argued by William Evans for appellant and by Timothy Hix and JoAnne Victor for respondents. Cause submitted.

B175397     Schmir  
              v.  
              Schmir

Merits:  
Argued by Gregory Ellis for appellant and by Glenn Buzzard for respondent. Cause submitted.

Court adjourned at 3:14 p.m.

B177209     In re D.L., a Minor                                 (Not for Publication)  
              Los Angeles County, D.C.S.  
              v.  
              Annie A.

The order is affirmed.

Johnson, J.

We concur:   Perluss, P.J.  
                  Woods, J.

August 30, 2005 (Continued)

DIVISION EIGHT

B172366      Prieto      (Certified for Publication)  
v.  
Loyola Marymount University

The order is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B173477 Mahagama Comptronics, Inc. (Not for Publication)  
v.  
Perera et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.  
Flier, J.